

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,602	12/29/2000	Blaise B. Fanning	42390.P10585	8548
7590	09/03/2004		EXAMINER	
John P. Ward BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			LANE, JOHN A	
			ART UNIT	PAPER NUMBER
			2188	
DATE MAILED: 09/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/751,602	FANNING, BLAISE B.
	Examiner	Art Unit
	Jack A Lane	2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on August 12, 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,10-12,14-19,22,23 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-7,10-12,14-19,22,23 and 27-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. This Office action is responsive to the remarks filed 08/12/2004. Claims 1,

2, 4-7, 10-12, 14-19, 22, 23 and 27-33 are presented for examination. Any

objections or rejections made in the previous office action not specifically

repeated below are withdrawn.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C.

§ 102 that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-7, 10-12, 14-19, 22, 23 and 27-33 are rejected under 35

U.S.C. § 102(b) as being anticipated by Tayler (Pat. No. 4,414,644).

Tayler teaches the claimed “processor” as host 12 shown in figure 1. The claimed “processor interface unit” corresponds to circuitry within storage director

11. The claimed “cache” corresponds to the circuitry including buffer access

circuits 77 and memory 78. The claimed “disposable information that may be

overwritten [and]...read at least once” corresponds to the modified data within the

cache identified with read and discard (RAD) bit 34, 37 (col. 5, lines 20-30).

Applicant should note that Tayler's modified read data (e.g. disposable data) does not have to be destaged or transferred to backing store 13 as discussed at col. 5, lines 64-65. The claimed "cache management unit" corresponds to circuitry included within storage director 11. The claimed "bus interface unit" corresponds to circuitry including interconnections 14. As per claim 11, the claimed "system logic device" corresponds to circuitry including that shown in figures 1 and 2. The limitation "comparing a disposable information cache entry address with a range of addresses that define a disposable information address space" corresponds to accessing logical device control block (LDCB) 31 for identification (i.e. addresses) of data blocks to be deleted (i.e. marked as disposable) (col. 5, lines 33-41). Applicant should note that each addressable area corresponding to a block (i.e. blocks A-H) has a fixed number of addressable storage registers (col. 3, lines 47-54). The claimed "range of addresses that defines a disposable information address space" corresponds this fixed number of addressable storage registers. The claimed "disposable information attribute indication" corresponds to RAD bits 34/37.

In the Remarks filed 08/12/04, applicant argues:

According to Tayler, if the data in the cache is modified, i.e., different than the data in the backing store, then the modified data is destaged to the backing store and then effectively erased from the cache. Otherwise, if the data in the cache is not modified, the data is

erased once the data has been read by a host or other components in the system. (Tayler, col. 2, lines 6-17).

In response, applicant should reconsider the examiner's comments in the rejection. As found in the rejection, "Applicant should note that Tayler's modified read data (e.g. disposable data) does not have to be destaged or transferred to backing store 13 as discussed at col. 5, lines 64-65." Additionally, the examiner contends the claimed "disposable information" can also correspond to data within the cache of Tayler that is not modified as discussed in applicant's remarks restated above. Tayler (col. 2, lines 6-17) indicates cache data that is not modified is erased once the data has been read by a host or other components.

4. Applicant's arguments filed 08/12/04 have been fully considered but they are not deemed to be persuasive.

See the examiner's comments above in section 2.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

6. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE

SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any response to this final action should be mailed to:

Box AF

Under Secretary of Commerce for Intellectual Property and Director
of the United States Patent and Trademark Office

PO Box 1450

Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for Official communications intended for
entry)

Or:

(703) 872-9306, (for Non-Official or Draft communications,
please label "Non-Official" or "DRAFT")

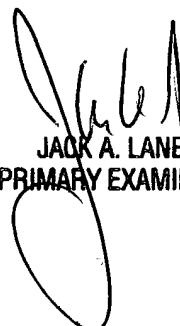
Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 703 305-3818. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703 306-2903.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900



JACK A. LANE
PRIMARY EXAMINER